

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAMI BALY,

Petitioner,

-against-

CERTIFICATE OF APPEALS SUPREME  
COURT OF NEW YORK,

Respondent.

22-CV-5812 (LTS)

ORDER DIRECTING PAYMENT OF FEE  
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se*, brings this petition for a writ of *habeas corpus*. To proceed with a petition for a writ of *habeas corpus* in this court, a petitioner must either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP), submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Petitioner submitted the petition without the filing fee. Moreover, the IFP application that he submitted is captioned for the courts of the State of New York, not the federal court.<sup>1</sup> (ECF 4.) Within thirty days of the date of this order, Petitioner must either pay the \$5.00 filing fee or complete and submit the attached amended IFP application. If Petitioner submits the amended IFP application, it should be labeled with docket number 22-CV-5812 (LTS).

No answer shall be required at this time. If Petitioner fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

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<sup>1</sup> Petitioner challenges his March 2, 2017 conviction, pursuant to a non-jury trial, after which he was sentenced to three years' probation. The conviction was affirmed on direct appeal, *People v. Baly*, 157 N.Y.S.3d 662 (1st Dep't Jan. 10, 2022), and the application to the New York Court of Appeals for leave to appeal was denied, *People v. Baly*, 165 N.Y.S.3d 461 (N.Y. Mar. 31, 2022). It is unclear if Petitioner intends to bring this application in state or federal court.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: July 12, 2022  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge